



ANNO SEXAGESIMO PRIMO ET SEXAGESIMO
SECUNDO

VICTORIÆ REGINÆ.

A.D. 1898-9.

No. 712.

An Act relating to Pastoral Lands.

[Assented to, January 28th, 1899.]

BE it Enacted by the Governor with the advice and consent of the Parliament of South Australia, as follows:

1. This Act may be cited as "The Pastoral Amendment Act, 1898-9," and shall be incorporated with "The Pastoral Act, 1893," "The Pastoral Act Amendment Act, 1895," and "The Pastoral Act Amendment Act, 1896," hereinafter respectively referred to as "the Act of 1893," "the Act of 1895," and "the Act of 1896." Short title and incorporation.

2. The classification of pastoral lands is hereby abolished, so that— Abolition of classification.

i. The term of any future pastoral lease shall be forty-two years, subject to a re-valuation of the rent for the second twenty-one years, except as to pastoral leases which have not been surrendered pursuant to the Act of 1896, and also all pastoral lands which are not certified by the Pastoral Board and approved by the Commissioner as unlikely to be required for closer settlement, in respect of which the lease shall be twenty-one years:

ii. The rent under the lease shall be determined by the recommendation of the Pastoral Board, subject to the approval of the Commissioner, having regard to—

(a) The carrying capacity of the land for depasturing by stock:

(b) The

The Pastoral Amendment Act.—1898-9.

- (b) The value of the land for agricultural or other purposes :
- (c) The proximity and facilities of approach to railway stations, ports, rivers, and markets :
- (d) All other circumstances affecting the value of the land to a lessee.

Re-valuations.

3. All provisions relating to re-valuations and renewals of leases in Class C under the Act of 1893 shall apply to all re-valuations and renewals of leases under this Act.

Extension of leases in Class I.

4. Any lessee of pastoral lands in Class I., whether such lands are let on pastoral or miscellaneous lease, which have not been surrendered pursuant to the Act of 1896, may obtain an extension of his lease for twenty-one years from the first day of January, one thousand nine hundred, on the terms of his original lease, provided that—

- i. The lessee shall give to the Commissioner notice of his desire to obtain the extension before the thirty-first day of December, one thousand eight hundred and ninety-nine :
- ii. No extension shall be granted in any case unless recommended by the Pastoral Board and approved by the Commissioner :
- iii. Particulars of each extension shall be laid before both Houses of Parliament within fourteen days after the execution of the extension if Parliament is then in Session, and within fourteen days after the commencement of the next Session if Parliament is not then in Session :
- iv. No liability shall be imposed upon the Crown or Commissioner in respect of any improvements effected after the date when the original lease would have expired, and any improvements in respect of which payment is provided for by the original lease shall be inspected and scheduled at the date when the original lease would have expired, and shall be valued and paid for at the expiration of the extension, and any water improvements effected after the date when the original lease would have expired shall be paid for by the incoming lessee as provided in Part VI. of "The Pastoral Act, 1893."

Improvements on future leases.

5. Every pastoral lease hereafter granted shall, in addition to the covenants already provided for, contain a covenant binding the lessee, in such form as may be prescribed, to expend in improvements on the land such sum, not exceeding Ten Shillings per mile per annum, as shall be recommended by the Pastoral Board, approved by the Commissioner, and fixed by the lease: Provided that such covenant shall cease so soon as there shall be at least Three Pounds per mile value in improvements on the land.

6. No

The Pastoral Amendment Act.—1898-9.

6. No land now or hereafter used as a travelling stock road or reserve shall be appropriated for any other purpose unless—

Reserves.

i. Plans showing the road or reserve proposed to be so appropriated shall have been first laid for sixty days before both Houses of Parliament; and unless

ii. Both Houses of Parliament shall within such sixty days affirm a resolution that it is desirable that such road or reserve should be so appropriated.

7. The time for the surrender of leases, pursuant to the Acts of 1893, 1895, and 1896, or either of them is hereby extended to the thirty-first day of December, one thousand eight hundred and ninety-nine.

Extension of times for surrenders.

8. No lessee, on the surrender of any lease pursuant to the Acts of 1893, 1895, or 1896, or this Act, shall, in the valuation of any improvements valued against him, be debited with the cost of vermin-proofing any fence on such land to the extent to which he has contributed towards making such fence vermin proof if he shall have effected or paid for such vermin-proofing prior to such surrender.

Vermin-proofing not to be debited against lessee.

9. All barbed wire and netting by which any boundary fence, the property of the Crown, has been, or shall hereafter be, vermin-proofed by the lessee at his own cost shall remain the property of the lessee, and shall, at the termination of his lease, be valued as provided in Part VI. of Act 585 of 1893, and be paid for by the incoming lessee.

Wire and netting to be paid for by incoming lessee.

10. The cost at the nearest port or railway station of barbed wire and netting required for vermin-proofing any boundary fence may be advanced to the lessee by the Commissioner, on the recommendation of the Pastoral Board, out of moneys to be appropriated by Parliament for the purpose, in any case in which the Commissioner is satisfied that the land is occupied and the lessee, owing to the position of his run, is unable to avail himself of "The Vermin Districts Act, 1894."

Cost of wire and netting may be advanced.

11. No such cost shall be paid until netting and barbed wire to the amount of such cost shall have been actually utilised in vermin-proofing the boundary fence by the lessee to the satisfaction of a Government inspector.

Condition.

12. All advances made by the Commissioner to any lessee pursuant to the preceding sections shall bear interest at Four Pounds per centum per annum, and the principal, with such interest, shall be repaid in twenty equal yearly instalments at the rate of Seven Pounds Seven Shillings and Two Pence for every One Hundred Pounds advanced, and shall be recoverable as rent in arrear

Repayment of advances.

The Pastoral Amendment Act.—1898-9.

arrear under the lease. If the lease in respect to which the advances are made shall terminate whilst any instalments remain unpaid such remaining instalments shall be payable at the termination of the lease unless the incoming tenant (if any) shall agree to pay the same; or the amount may be repaid by the lessee on giving six months' notice to the Commissioner of his intention so to do.

Credit for advances to be allowed to incoming tenant.

13. Any lessee who shall have received an advance for fencing, pursuant to the preceding section, shall, until such advance shall be repaid, allow similar credit to any person from whom he shall be entitled to recover any portion of the cost of such fence.

Commissioner may erect vermin-proof fences.

14. Vermin-proof fences may be erected by the Commissioner out of moneys to be appropriated by Parliament for the purpose, and the cost and interest, as mentioned in section 12, may be recovered from lessees benefited thereby as if rent reserved by their leases, provided that—

i. A plan showing the proposed situation of the fence, and also the leases which will be benefited thereby, and the names of the lessees, and the proportion in which the cost is proposed to be charged to such lessees, shall first be laid before Parliament for thirty days, and shall be forwarded to all persons proposed to be rated, and afterwards—

ii. Resolutions shall be adopted by both Houses, approving of the erection of the proposed fence.

Copy of plan to be evidence.

15. A copy of the plan referred to in the preceding section, certified by the Surveyor-General, shall be conclusive evidence of the liability of the lessees in the proportions stated.

Resumption.

16. No lessee shall be entitled to require the resumption of the whole of the land comprised in any lease on account of resumption of an area not exceeding one-tenth thereof for commonage residential or other purposes incidental to mining.

If any lands resumed for or in connection with mining, and included in any pastoral lease, should be afterwards found to be not required for the purposes for which they were resumed, the pastoral lessee shall have a preferential right to occupy such lands during the residue of his lease on terms to be prescribed.

Lessee may surrender for new lease.

17. Any lessee of pastoral country held under any tenure whatever, other than under the Acts of 1893, 1895, or 1896, or any of them, and other than the lands in class I. referred to in section 4 of this Act, may, until the thirty-first day of December, one thousand eight hundred and ninety-nine, give notice in writing to the Commissioner of his desire to surrender his lease and take in lieu thereof a lease under the provisions of this Act, and thereupon the Pastoral Board, with the approval of the Commissioner, shall fix the rent payable under such new lease, and notice in writing of such
rent

The Pastoral Amendment Act.—1898-9.

rent having been fixed shall be forthwith given to such lessee, who may within three months thereof, or such further time as may be prescribed, notify his acceptance of the rent so fixed, and thereupon such surrendering lessee shall be deemed to have surrendered his existing lease, and all rights, claims, and demands thereunder, including all claims to compensation for improvements and otherwise, and shall be entitled to a new lease, which shall confer and entail all the rights and privileges of this Act, and of the Acts of 1893, 1895, and 1896, as amended hereby: Provided that the Commissioner may, on the recommendation of the Pastoral Board, refuse to accept any such surrender.

18. Any lessee who has heretofore exercised any right of surrender or holds a lease under the Acts of 1893, 1895, or 1896 may, upon the recommendation of the Pastoral Board and with the approval of the Commissioner, notwithstanding such surrender, avail himself of the provisions of this Act, and shall be entitled after surrendering any existing lease to a new lease for the full term which would be granted to him by virtue of this Act: Provided that such approval and such assent be applied for and given before the thirty-first day of December, one thousand eight hundred and ninety-nine: Provided also that the rent under such new lease shall not be in excess of that payable by the lessee had he not availed himself of the provisions of this Act.

Extension to previous surrendering lessees.

19. Any pastoral lessee who holds a lease granted under the Acts of 1893, 1895, or 1896, or either of them, may, before the thirty-first day of December, one thousand eight hundred and ninety-nine, apply for a reduction of rent and price to be paid for improvements, and the Commissioner may, on the recommendation of the Pastoral Board, grant such reduction of rent and re-value such improvements.

Lessee may apply for reduction of rent.

20. The area which may, pursuant to section 149 of the principal Act of 1888, be resumed where any artesian water may be found or conserved by the Government is hereby extended from one mile to five miles: Provided that, if such area be afterwards proposed to be leased, the lessee or lessees of the land adjoining shall have a preferential right to such lease to be exercised in manner prescribed.

Governor may resume place where water found and five square miles contiguous.

21. In the construction of this Act "boundary fence" means any fence used as an outer boundary fence of any contiguous lands occupied as one run.

Meaning of boundary fence.

22. No District Council shall hereafter be proclaimed or formed so as to include within its limits any land held under a pastoral lease.

District Councils not to include pastoral leases.

23. Errors are contained in Schedule B to the Act of 1893, and the same is therefore repealed, and the Schedule to this Act substituted therefor as from the passing of the Act of 1893, and all leases since granted shall be read accordingly.

Correction of errors of Act of 1893.

24. Errors

The Pastoral Amendment Act.—1898-9.

Correction of errors
of Act of 1893.

24. Errors in sections 33 and 34 of Act 585 of 1893 are hereby amended in the following manner, viz. :—

Section 33—By striking out “50 and 51” in line 4 and inserting in lieu thereof “51 and 52.”

Section 34—By striking out “32” in line 1 and inserting in lieu thereof “33.”

Certain sections of
Acts of 1893 and
1895 not to be
affected.

25. Nothing in this Act shall cancel or affect the present operation of sections 44 and 64 of “The Pastoral Act, 1893,” and sections 5 and 6 of “The Pastoral Act Amendment Act, 1895,” but so that the carrying capacities of the various classes stated in the said section 6 as five thousand, ten thousand, and thirty thousand sheep, shall be respectively increased to ten thousand, twenty thousand, and sixty thousand sheep.

Section 6 amended.

Date when conces-
sions shall be
operative.

26. All concessions to lessees authorised by this Act shall date as from January first, one thousand eight hundred and ninety-eight.

Conditions of lease.

27. No covenants or conditions shall hereafter be inserted in any lease except such as are authorised by law.

In the name and on behalf of Her Majesty, I hereby assent to
this Bill.

S. J. WAY, Lieutenant-Governor.

The Pastoral Amendment Act.—1898-9.

THE SCHEDULE.

Scale for Payment of Purchase-money for Improvements, the property of the Crown, where Special Arrangement made, pursuant to Section 51 of Act 585 of 1893, showing the Annual Payments in Advance, including Interest at 5 per cent. per Annum, to be made in respect of every £100 of the Purchase-money.

Number of Payments.	Annual Payment in Advance.			Number of Payments.	Annual Payment in Advance.		
	£	s.	d.		£	s.	d.
2	51	4	5	23	7	1	3
3	34	19	5	24	6	18	1
4	26	17	2	25	6	15	2
5	21	19	11	26	6	12	6
6	18	15	3	27	6	10	1
7	16	9	2	28	6	7	10
8	14	14	9	29	6	5	10
9	13	8	0	30	6	3	11
10	12	6	8	31	6	2	2
11	11	9	4	32	6	0	7
12	10	14	11	33	5	19	1
13	10	2	9	34	5	17	8
14	9	12	5	35	5	16	4
15	9	3	6	36	5	15	2
16	8	15	9	37	5	14	0
17	8	8	11	38	5	12	11
18	8	2	11	39	5	11	11
19	7	17	7	40	5	11	0
20	7	12	10	41	5	10	2
21	7	8	7	42	5	9	4
22	7	4	9				